



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/391,285	09/07/99	KING	D 5932.1

JAMES E MARINA ESQ
WINSTON & STRAWN
200 PARK AVENUE
NEW YORK NY 10166

WM11/0105

EXAMINER	
NGUYEN, N	
ART UNIT	PAPER NUMBER

2164

DATE MAILED: 01/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/391,285

Applicant(s)
King

Examiner
Nga B. Nguyen

Group Art Unit
2164



☒ Responsive to communication(s) filed on Sep 7, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-26 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-26 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2164

DETAILED ACTION

1. This Office Action is the answer to the communication filed on September 7, 1999 , which paper has been placed of record in the file.
2. Claims 1-26 are pending in this application.

Drawings

3. The drawings are objected to because of the Draftsperson's notice, see form PTO-948 for detail. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 2, 4-10, and 12-26 are rejected under 35 U.S.C. 102(a) as being anticipated by Sandberg-Diment, U.S. Patent No. 5,826,245.

Art Unit: 2164

Regarding to claim 1, Sandberg-Diment discloses a method for making purchases over a computer network using a first number that identifies a consumer's account from which funds will be withdrawn to pay a purchase price and a second number associated with first number which, when used with first number, enable withdrawal of funds from account, method comprising the steps of:

transmitting first number over network from a consumer location to an on-line merchant location (column 3, lines 15-23);

forwarding first number over network from on-line merchant location to a third party contractor location (column 3, lines 29-42);

transmitting second number over network from consumer location to third party contractor location (column 3, lines 8-14); and

checking at third party contractor location whether first and cond numbers are valid (column 3, lines 43-54).

Regarding to claim 2, Sandberg-Diment discloses on-line merchant location is bypassed second number when second number is transmitted from consumer location to third party contractor location (column 4, lines 1-6).

Regarding to claim 4, Sandberg-Diment discloses network is the Internet (figure 2, item 40).

Regarding to claim 5, Sandberg-Diment discloses checking at third party contractor location whether account has sufficient funds to cover purchase price (column 3, lines 55-56).

Art Unit: 2164

Regarding to claim 6, Sandberg-Diment discloses transmitting a signal from third party contractor location to on-line merchant location indicating whether first and second numbers are valid (column 3, lines 56-60).

Regarding to claim 7, Sandberg-Diment discloses transmitting a signal from third party contractor location to on-line merchant location indicating whether there are sufficient funds in account to cover purchase price (column 3, lines 55-60).

Regarding to claim 8, Sandberg-Diment discloses transmitting a signal from on-line merchant location to consumer location indicating whether purchase has been authorized (column 3, lines 63-67).

Regarding to claim 9, Sandberg-Diment discloses a system for making purchases over a computer network using a first number that identifies a consumer's account from which funds will be withdrawn to pay a purchase price and a second number associated with first number which, when used with first number, enable withdrawal of funds from account, system comprising:

- a first computer at a consumer location, first computer being connected to network (figure 1, item 12);

- a second computer at an on-line merchant location, second computer being connected to network (figure 1, item 17); and

- a third computer at a third party contractor location, third computer being connected to network (figure 1, item 21);

Art Unit: 2164

wherein first number is transmitted from first computer to second computer over network (column 3, lines 15-23);

wherein first number is forwarded from second computer to third computer over network (column 3, lines 29-42);

wherein second number is transmitted from first computer to third computer over network (column 3, lines 8-14);

wherein third computer checks whether first and second numbers are valid (column 3, lines 43-54).

Regarding to claim 10, Sandberg-Diment discloses first computer bypasses second computer when transmitting second number to third computer (column 4, lines 1-6).

Regarding to claim 12, Sandberg-Diment discloses network is the Internet (figure 2, item 40).

Regarding to claim 13, Sandberg-Diment discloses third computer checks whether account has sufficient funds to cover purchase price (column 3, lines 55-56).

Regarding to claim 14, Sandberg-Diment discloses third computer notifies second computer whether first and second numbers are valid (column 3, lines 56-60).

Regarding to claim 15, Sandberg-Diment discloses third computer notifies second computer whether there sufficient funds in account to cover purchase price (column 3, lines 56-60).

Art Unit: 2164

Regarding to claim 16, Sandberg-Diment discloses second computer notifies first computer whether purchase is authorized (column 3, lines 63-67).

Regarding to claim 17, Sandberg-Diment discloses a method of authorizing a purchase to be made over a computer network using a first number that identifies a consumer's account from which funds will be withdrawn to pay a purchase price and a second number associated with first number which, when used with first number, enable withdrawal of funds from account, method comprising the steps of:

receiving at a third party contractor location first number transmitted over network from an on-line merchant location (column 3, lines 29-42);

receiving at third party contractor location second number transmitted over network from a consumer location (column 3, lines 8-14);

verifying the validity of first and second numbers at third party contractor location (column 3, lines 43-54).

Regarding claim 18, Sandberg-Diment discloses network is the Internet (figure 2, item 40).

Regarding claim 19, Sandberg-Diment discloses checking at third party contractor location whether account has sufficient funds to cover purchase price (column 3, lines 56-60).

Regarding claim 20, Sandberg-Diment discloses transmitting a signal from third party contractor location to on-line merchant location indicating whether first and second numbers are valid (column 3, lines 56-60).

Art Unit: 2164

Regarding claim 21, Sandberg-Diment discloses transmitting a signal from third party contractor location to on-line merchant location indicating whether there are sufficient funds in account to cover purchase price (column 3, lines 63-67).

Claims 22-26 are system claims that parallel limitations found in claims 17-21, respectively, therefore are rejected by the same rationale.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandberg-Diment, U.S. Patent No. 5,826,245 in view of Official notice taken by Examiner.

Regarding to claim 3, Sandberg-Diment does not teach first and second numbers are transmitted over network via encrypted connections. Official notice is taken that transmitting first and second numbers over network via encrypted connections is old and well-known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include encrypted technique when transmitting first and second numbers in Sandberg-Diment's for the purpose of providing more security.

Art Unit: 2164

Claim 11 contains limitations as found in claim 3, therefore is rejected by the same rationale.

Conclusion

8. Claims **1-26** are rejected.

9. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

Checchio (US 6,052,675) discloses method and apparatus for preauthorizing credit card type transactions.

Davis et al (US 6,105,008) discloses the method and system for using smart card for payment of goods and services purchased over the Internet.

Slater (US 6,098,053) discloses system and method for performing online transaction utilizing checking or savings account funds.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Thursday from 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin, can be reached on (703)308-1065.

11. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks
c/o Technology Center 2700

Art Unit: 2164

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

or:

(703) 308-5397 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703)305-3900.

Nga B. Nguyen
November 15, 2000


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100